



February 2, 2004

## HOUSE BILL No. 1352

DIGEST OF HB 1352 (Updated January 28, 2004 5:42 pm - DI 108)

**Citations Affected:** IC 5-2.

**Synopsis:** Law enforcement training academy. Establishes a southwest Indiana law enforcement training academy.

**Effective:** July 1, 2004.

**Hasler**

January 15, 2004, read first time and referred to Committee on Local Government.  
January 29, 2004, amended, reported — Do Pass; referred to Committee on Ways and Means pursuant to Rule 127.  
February 2, 2004, referral to Committee on Ways and Means withdrawn.

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HB 1352—LS 7156/DI 105+



February 2, 2004

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

## HOUSE BILL No. 1352

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A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 5-2-1-9, AS AMENDED BY P.L.45-2001,  
2       SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2004]: Sec. 9. (a) The board shall adopt in accordance with  
4       IC 4-22-2 all necessary rules to carry out the provisions of this chapter.  
5       Such rules, which shall be adopted only after necessary and proper  
6       investigation and inquiry by the board, shall include the establishment  
7       of the following:

8               (1) Minimum standards of physical, educational, mental, and  
9               moral fitness which shall govern the acceptance of any person for  
10              training by any law enforcement training school or academy  
11              meeting or exceeding the minimum standards established  
12              pursuant to this chapter.

13              (2) Minimum standards for law enforcement training schools  
14              administered by towns, cities, counties, **the southwest Indiana**  
15              **law enforcement training academy**, the northwest Indiana law  
16              enforcement training center, agencies, or departments of the state.

17              (3) Minimum standards for courses of study, attendance

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requirements, equipment, and facilities for approved town, city, county, and state law enforcement officer, police reserve officer, and conservation reserve officer training schools.

(4) Minimum standards for a course of study on cultural diversity awareness that must be required for each person accepted for training at a law enforcement training school or academy.

(5) Minimum qualifications for instructors at approved law enforcement training schools.

(6) Minimum basic training requirements which law enforcement officers appointed to probationary terms shall complete before being eligible for continued or permanent employment.

(7) Minimum basic training requirements which law enforcement officers not appointed for probationary terms but appointed on other than a permanent basis shall complete in order to be eligible for continued employment or permanent appointment.

(8) Minimum basic training requirements which law enforcement officers appointed on a permanent basis shall complete in order to be eligible for continued employment.

(b) Except as provided in subsection (l), a law enforcement officer appointed after July 5, 1972, and before July 1, 1993, may not enforce the laws or ordinances of the state or any political subdivision unless the officer has, within one (1) year from the date of appointment, successfully completed the minimum basic training requirements established under this chapter by the board. If a person fails to successfully complete the basic training requirements within one (1) year from the date of employment, the officer may not perform any of the duties of a law enforcement officer involving control or direction of members of the public or exercising the power of arrest until the officer has successfully completed the training requirements. This subsection does not apply to any law enforcement officer appointed before July 6, 1972, or after June 30, 1993.

(c) Military leave or other authorized leave of absence from law enforcement duty during the first year of employment after July 6, 1972, shall toll the running of the first year, which in such cases shall be calculated by the aggregate of the time before and after the leave, for the purposes of this chapter.

(d) Except as provided in subsections (e) and (l), a law enforcement officer appointed to a law enforcement department or agency after June 30, 1993, may not:

- (1) make an arrest;
- (2) conduct a search or a seizure of a person or property; or
- (3) carry a firearm;

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1 unless the law enforcement officer successfully completes, at a board  
 2 certified law enforcement academy, **at the southwest Indiana law**  
 3 **enforcement training academy under section 10.5 of this chapter,**  
 4 or at the northwest Indiana law enforcement training center under  
 5 section 15.2 of this chapter, the basic training requirements established  
 6 by the board under this chapter.

7 (e) Before a law enforcement officer appointed after June 30, 1993,  
 8 completes the basic training requirements, the law enforcement officer  
 9 may exercise the police powers described in subsection (d) if the  
 10 officer successfully completes the pre-basic course established in  
 11 subsection (f). Successful completion of the pre-basic course authorizes  
 12 a law enforcement officer to exercise the police powers described in  
 13 subsection (d) for one (1) year after the date the law enforcement  
 14 officer is appointed.

15 (f) The board shall adopt rules under IC 4-22-2 to establish a  
 16 pre-basic course for the purpose of training:

17 (1) law enforcement officers;

18 (2) police reserve officers (as described in IC 36-8-3-20); and

19 (3) conservation reserve officers (as described in IC 14-9-8-27);  
 20 regarding the subjects of arrest, search and seizure, use of force, and  
 21 firearm qualification. The pre-basic course must be offered on a  
 22 periodic basis throughout the year at regional sites statewide. The  
 23 pre-basic course must consist of forty (40) hours of course work. The  
 24 board may prepare a pre-basic course on videotape that must be used  
 25 in conjunction with live instruction. The board shall provide the course  
 26 material, the instructors, and the facilities at the regional sites  
 27 throughout the state that are used for the pre-basic course. In addition,  
 28 the board may certify pre-basic courses that may be conducted by other  
 29 public or private training entities, including colleges and universities.

30 (g) The board shall adopt rules under IC 4-22-2 to establish a  
 31 mandatory inservice training program for police officers. After June 30,  
 32 1993, a law enforcement officer who has satisfactorily completed the  
 33 basic training and has been appointed to a law enforcement department  
 34 or agency on either a full-time or part-time basis is not eligible for  
 35 continued employment unless the officer satisfactorily completes a  
 36 minimum of sixteen (16) hours each year of inservice training in any  
 37 subject area included in the law enforcement academy's basic training  
 38 course or other job related subjects that are approved by the board as  
 39 determined by the law enforcement department's or agency's needs. In  
 40 addition, a certified academy staff may develop and make available  
 41 inservice training programs on a regional or local basis. The board may  
 42 approve courses offered by other public or private training entities,

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including colleges and universities, as necessary in order to ensure the availability of an adequate number of inservice training programs. The board may waive an officer's inservice training requirements if the board determines that the officer's reason for lacking the required amount of inservice training hours is due to any of the following:

(1) An emergency situation.

(2) The unavailability of courses.

(h) The board shall also adopt rules establishing a town marshal basic training program, subject to the following:

(1) The program must require fewer hours of instruction and class attendance and fewer courses of study than are required for the mandated basic training program.

(2) Certain parts of the course materials may be studied by a candidate at the candidate's home in order to fulfill requirements of the program.

(3) Law enforcement officers successfully completing the requirements of the program are eligible for appointment only in towns employing the town marshal system (IC 36-5-7) and having no more than one (1) marshal and two (2) deputies.

(4) The limitation imposed by subdivision (3) does not apply to an officer who has successfully completed the mandated basic training program.

(5) The time limitations imposed by subsections (b) and (c) for completing the training are also applicable to the town marshal basic training program.

(i) The board shall adopt rules under IC 4-22-2 to establish a police chief executive training program. The program must include training in the following areas:

(1) Liability.

(2) Media relations.

(3) Accounting and administration.

(4) Discipline.

(5) Department policy making.

(6) Firearm policies.

(7) Department programs.

(j) A police chief shall apply for admission to the police chief executive training program within two (2) months of the date the police chief initially takes office. A police chief must successfully complete the police chief executive training program within six (6) months of the date the police chief initially takes office. However, if space in the program is not available at a time that will allow the police chief to complete the program within six (6) months of the date the police chief

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initially takes office, the police chief must successfully complete the next available program that is offered to the police chief after the police chief initially takes office.

(k) A police chief who fails to comply with subsection (j) may not serve as the police chief until the police chief has completed the police chief executive training program. For the purposes of this subsection and subsection (j), "police chief" refers to:

(1) the police chief of any city; and

(2) the police chief of any town having a metropolitan police department.

A town marshal is not considered to be a police chief for these purposes, but a town marshal may enroll in the police chief executive training program.

(l) An investigator in the arson division of the office of the state fire marshal appointed:

(1) before January 1, 1994, is not required; or

(2) after December 31, 1993, is required;

to comply with the basic training standards established under this section.

(m) The board shall adopt rules under IC 4-22-2 to establish a program to certify handgun safety courses, including courses offered in the private sector, that meet standards approved by the board for training probation officers in handgun safety as required by IC 11-13-1-3.5(3).

SECTION 2. IC 5-2-1-10.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 10.5. (a) The board shall adopt rules under IC 4-22-2 to establish a southwest Indiana law enforcement training center.**

**(b) The southwest Indiana law enforcement training center may provide:**

**(1) basic training to a law enforcement officer who is not accepted by the law enforcement academy for the next basic training course because the academy does not have a space for the officer in the next basic training course;**

**(2) pre-basic courses described in section 9(f) of this chapter;**

**(3) inservice training described in section 9(g) of this chapter; and**

**(4) other law enforcement training approved by the board; if the training center meets or exceeds the minimum standards established under section 9(a)(2) by the board.**

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1352, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 15, delete "center," and insert "**academy**,".

Page 3, line 3, delete "center" and insert "**academy**".

Page 5, delete lines 41 through 42.

Delete page 6.

and when so amended that said bill do pass.

(Reference is to HB 1352 as introduced.)

MOSES, Chair

Committee Vote: yeas 12, nays 1.

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